

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

Dalia Nieves
Plaintiff

v.

**Pharr-San Juan-Alamo Independent
School District**
Defendant

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Civil Action No. 7:24-cv-302

**DEFENDANT PHARR-SAN JUAN-ALAMO INDEPENDENT
SCHOOL DISTRICT'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant PSJA ISD hereby removes this action from the County Court at Law No. 1 of Hidalgo County, Texas to the United States District Court for the Southern District of Texas, McAllen Division, as provided by 28 U.S.C. §§ 1331, 1441, and 1446 based on this Court's federal question jurisdiction.

1. Plaintiff filed her Original Petition in Case No. CL-24-2658-A in the County Court at Law No. 1 of Hidalgo County on June 20, 2024. Removal is proper because in that petition, Plaintiff alleged (in paragraph 6.4) that she is seeking to recover for alleged violations of her rights under federal law, including her rights under the Age Discrimination in Employment Act ("ADEA") as amended, the Older Worker Benefit ACT ("OWBPA") as amended, and Title VII of the Civil Rights Act of 1964, as amended, over which this Court has original jurisdiction. *See* 28 U.S.C. §§ 1331, 1441, 1446.

2. Venue is proper in this district because the state court where the suit has been pending is located in this district.

3. Pursuant to 28 U.S.C § 1446(a) and Local Rule 81, Defendant attaches to this Notice all executed process, pleadings, and orders filed in the underlying state court action (Exhibit 1); the docket sheet (Exhibit 2); an index of the matters being filed (Exhibit 3); and a list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit 4).

4. Contemporaneously with the filing of this Notice of Removal, Defendant is filing a copy of this Notice of Removal with the clerk of the state court in which the action has been pending.

5. Contemporaneously with the filing of this Notice of Removal, Defendant is also filing a Civil Action Cover Sheet (Form JS44c) (Exhibit 5).

PRAYER

Accordingly, Defendant removes this case to the United States District Court for the Southern District of Texas, McAllen Division, and asks this Court to retain jurisdiction over this case. Defendant further prays for all necessary writs to bring before this Court all records and proceedings in the County Court at Law No. 1 of Hidalgo County and for such other and further special and general relief to which it may be entitled to receive.

Respectfully submitted,

/s/ David Campbell

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CERTIFICATE OF SERVICE

I certify that on July 24, 2024, the following counsel of record was served with the foregoing document via the Court's electronic case filing system:

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Counsel for Plaintiff

/s/ David Campbell

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